

## **Board Administration and Regulatory Coordination Unit**

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### **Division 3. Air Resources Board**

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### **Chapter 1. Air Resources Board**

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### **Subchapter 8.5 Consumer Products**

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### **Article 5. Hairspray Credit Program**

#### **§ 94562. Definitions.**

For the purposes of this article, the following definitions shall apply in addition to the definitions set forth in sections 94501, 94508, 94521, 94542, Title 17, California Code of Regulations:

(a) "Air Quality Plan" includes, but is not limited to, attainment, rate-of-progress, and maintenance plans adopted by a California air pollution control or air quality management district (district) pursuant to State requirements specified in Chapter 10 (commencing with section 40910) of Part 3, Division 26 of the Health and Safety Code, and federal requirements specified in the Clean Air Act governing the State Implementation Plan.

(b) "Applicable Hairspray Product" means a hairspray product listed in an application to request HERCs submitted pursuant to section 94563(b)(2)(B).

(c) "Applicable Consumer Product" means an antiperspirant, deodorant, aerosol coating product, or other consumer product listed in an application to use HERCs submitted pursuant to section 94568(b)(2)(D).

(d) "Credit Generation Period" means the period of time, in days, during which an applicable hairspray product will be manufactured that will generate surplus VOC emission reductions. The dates on which a specified credit generation period will begin and end must be in one of the following: (1) for early compliance, which may include over compliance, with the second-tier hairspray standard, the time period between January 1, 1998, and May 31, 1999, or (2) for over compliance with the second-tier hairspray standard on and after its effective date of June 1, 1999, the time period between June 1, 1999, and January 1, 2005. The credit generation period may be divided into installment periods for issuance of HERCs.

(e) "Delayed Compliance Period" means the period of time, in days, during which a consumer product will be manufactured that does not comply with its applicable VOC limit in sections 94502, 94509, 94522, Title 17, California Code of Regulations. The date on which a specified delayed compliance period will end must be on or prior to January 1, 2010.

(f) "Documented Sales" means the total amount of the following products, as applicable, sold for use in California:

(1) For the Purpose of Credit Generation. The applicable hairspray product that was manufactured during the credit generation period as specified in an application submitted to the Executive Officer in accordance with section 94563, or

(2) For the Purpose of Credit Use. The applicable consumer product that was manufactured during the following time periods:

(A) the most recent twelve-month period (for which documented sales records are available) prior to the delayed compliance period as specified in the application submitted to the Executive Officer in accordance with section 94568, and

(B) the delayed compliance period as specified in the application submitted to the Executive Officer in accordance with section 94568.

"Documented Sales" shall be determined through documented sales records (expressed to the nearest pound, excluding product container and packaging).

(g) "Documented Sales Record" means a written, point-of-sale record, or any other Executive Officer-approved system of documentation, from which the mass, in pounds (less product container and packaging), of a product manufactured during an applicable time period and sold for use in California can be accurately documented. For the purposes of this article, "documented sales record" may include, but is not limited to, the following types of records:

(1) accurate records of direct retail or other outlet sales;

(2) accurate compilations made by independent market surveying services, using methods consistent with widely-accepted practices of the business, scientific, or regulatory communities, of direct retail or other outlet sales, provided that a detailed method which can be used to verify any data comprising such summaries is submitted by the responsible party and approved by the Executive Officer;

(3) accurate manufacturing records in combination with any other data or information that permits determination of California sales; or

(4) for pesticides only, accurate mill assessment records for economic poisons, verified by the California Department of Pesticide Regulations, which cover the sales of the pesticide product.

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(h) "Hairspray" means a consumer product designed primarily for the purpose of dispensing droplets of resin on and into a hair coiffure which will impart sufficient rigidity to the coiffure to establish or retain the style for a period of time.

(i) "Reformulated or Reformulation" means a change in the formulation of a hairspray product for the primary purpose of lowering the product's VOC content to 55 percent or less, as determined pursuant to section 94515, Title 17, California Code of Regulations.

(j) "Responsible Party" means the company, firm or establishment which is listed on the product's label. If the label lists two companies, firms or establishments, the responsible party is the party which the product was "manufactured for" or "distributed by", as noted on the label.

(k) "State Implementation Plan" means the California State Implementation Plan approved by the United States Environmental Protection Agency (U.S. EPA), in accordance with requirements of the Clean Air Act.

(l) "Stock Keeping Unit" means the classification used by consumer product manufacturers to identify products that have the same brand name, formulation, net weight, and other distinguishing characteristics.

(m) "Surplus" means VOC emission reductions not required by any hairspray standard in section 94509, Title 17, California Code of Regulations; Alternative Control Plan approved pursuant to section 94543, Title 17, California Code of Regulations; or air quality plan. For the purposes of this article only, surplus emission reductions shall include emission reductions resulting from compliance with the second-tier hairspray standard of 55 percent VOC between January 1, 1998, and June 1, 1999. Surplus VOC emission reductions shall not include emission reductions occurring prior to January 1, 1998.

(n) "VOC Content" shall have the same meaning in this article as it has in sections 94500-94555, Title 17, California Code of Regulations, as applicable.

NOTE: Authority cited: Sections 39600, 39601 and 41712, Health and Safety Code. Reference: Sections 39002, 39600, 40000 and 41712, Health and Safety Code.

#### **REFERENCE**